

Notice of Allowability

Application No. 09/471,706	Applicant(s) SUZUKI, EIICHI	
Examiner Andrew Graham	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to response filed 3/11/05.
2. The allowed claim(s) is/are 1-2, 5-9 renumbered 1-2, 5-6, 3-4, 7-8 respectively.
3. The drawings filed on 23 December 1999 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

AG
Andrew Graham
571-272-7517

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 3/11/2005, at least with respect to the combination of the applicant's admitted prior art and Deiterich not teaching a control voltage that decreases the feedback gain only if a level is exceeded, as generally recited in each of the independent claims, have been fully considered and are persuasive. The previous rejections of Claims 1-2 and 4-5 has been withdrawn.

Claim Rejections - 35 USC § 112

2. The amendments made to Claims 1-2 and 4-5 in view of the previous rejections under 35 U.S.C. 112 are sufficient to overcome said previous grounds of rejection. Accordingly, said rejections are hereby withdrawn.

Allowable Subject Matter

3. **Claims 1-2 and 4-9** are allowed.

For the purpose of allowance, these claims have been respectively renumbered 1-2, 5, 6, 3, 4, 7, and 8.

The following is an examiner's statement of reasons for allowance:

The examiner has found neither prior art that teaches nor any combination of prior art that suggests a providing section that provides the control voltage that decreases the variable feedback gain as the voltage level indicative of the driving current to the

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loudspeakers increases, only if a level of a loudspeaker exceeds a predetermined output level, as is generally recited in the independent claims, when said limitation is considered in view of each of the other limitations recited in the claims. Altering the amount of feedback based on a signal and a threshold value is known in the art, as is illustrated by the teachings of Deiterich; however, as the applicant has delimited in further detail in the response of 3/11/05, the positive feedback nature of the claimed apparatus does not enable such a control structure to be combined with the applicant's admitted prior art to arrive at the claimed invention. Dependent claims, Claims 2 and 5-9 are allowable because they at least incorporate the limitations of the independent claims by virtue of their dependency thereon.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sakano (USPN 4369412) and (USPN 4379209) discloses an amplifier for a loudspeaker that comprises positive feedback means and


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loudspeaker protection, though lacking the providing section and variable feedback gain as recited in the claimed apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Graham whose telephone number is 571-272-7517. The examiner can normally be reached on Monday-Friday, 8:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrew Graham
Examiner
A.U. 2644

ag
June 27, 2005


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600